

**A SUBSTITUTE ORDINANCE
BY ZONING COMMITTEE**

06-O-1557

**AUTHORIZING AN AMENDMENT TO
ORDINANCE NUMBER 06-O-0036/Z-05-122
BY CORRECTING THE ADDRESS IN THE
LEGISLATION; AND FOR OTHER PURPOSES.**

WHEREAS, The City Council did adopt of February 8, 2006 and the Mayor did approve on February 14, 2006 Ordinance #06-O-0036/Z-05-122; and

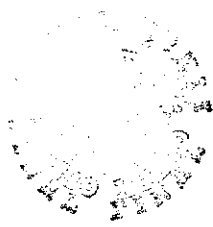
WHEREAS, the legislation had the correct rezoning Designation and adequate public notice of the rezoning was made; and

WHEREAS, the legislation contained a typographical error which state 872-840 Memorial Drive, SE as opposed to 872-890 Memorial Drive, SE

Be it ordained by the Council of the City of Atlanta, Georgia to amend Ordinance 06-O-0036/Z-05-122 as follows:

Section 1: That the address be amended so that the legislation reflect the address change as 872-890 Memorial Drive, S.E.

Section 2: That all ordinances or parts of ordinances in conflict herewith are hereby waived.



City Council
Atlanta, Georgia

06-O-0036

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-05-122
Date Filed: 11-08-05

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **872-840 Memorial Drive, S.E.**, be changed from property from C-1-C (Community Business-Conditional) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being . Land Lot 13, 14th District. Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, EMC

ADOPTED by the Council
APPROVED by the Mayor

Feb 08, 2006
Feb 14, 2006

CONDITIONS FOR Z-05-122 for 872-890 Memorial Drive, S.E.

- 1) Maximum permitted floor areas without bonuses:
 - a. For non-residential uses: Floor Area Ratio (FAR) shall not exceed one (1) times the net lot area or gross land area.
 - b. For developments that combine residential and non-residential uses: Floor Area Ratio (FAR) shall not exceed three (3.0) times the net lot area, but not greater than the maximum floor areas permitted of each.
- 2) Maximum floor area with bonuses: Under no circumstances shall the floor area of any development with bonuses shall exceed an amount equal to three and one-half (3.5) times gross lot area.
 - a. Affordable Housing Bonus: Developments containing residential uses shall be permitted only a floor area bonus of one-half (0.5) times net lot area or gross land area, with the provision that the minimum percentage of affordable units provided shall meet the MRC district requirements. In addition to the minimum percentage requirements for the number of units, the size of each affordable unit shall not be smaller than the smallest unit for each unit type in the overall development.
 - b. The Open Space Streets bonus, the Ground-floor Commercial bonus, and the Civic bonus shall not be permitted.
- 3) Maximum Building Height shall be 76 feet.
- 4) The following uses shall require a Special Use Permit:
 - a. Commercial greenhouses.
 - b. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
 - c. Nursing homes, assisted living facilities, personal care homes and rehabilitation centers.
- 5) The following uses are prohibited:
 - a. Automobile service stations, car washes.
 - b. Mortuary and funeral homes.
 - c. New and used car sales, including motorized vehicles such as mopeds and motorcycles.
 - d. Park-for-hire surface parking lots.
 - e. Park-for-hire parking decks.
 - f. Repair garages, paint and body shops.
 - g. Security storage centers greater than 7,500 square feet in floor area.
 - h. Truck stops.
- 6) The applicant agrees to preserve in perpetuity the existing building on the subject property. Demolition of any portion of the exterior of this structure shall occur only by application and the approval of the City of Atlanta Bureau of Planning.

RCS# 36
2/08/06
3:42 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-0013,0009,0016,0041,0020,0039,0048,
0046,0045,00138,0035,0036,0049
ADOPT ON SUB

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

06-0-0036

(Do Not Write Above This Line)

AN ORDINANCE

BY: ZONING COMMITTEE

An Ordinance to rezoned from the C-1-C (Community Business-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at 872-840 Memorial Drive, S.E., fronting approximately 215.82 feet on the north side of Memorial Drive and approximately 329.12 feet on the east side of Chester Avenue. Depth: varies. Area: 1.816 acres. Land Lot 13, 14th District. Fulton County, Georgia.
OWNER: MIKE SHELTON
APPLICANT: DAVID GREEN
NPU-N
COUNCIL DISTRICT 5

SUBSTITUTE

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 1/3/06
Referred To: ZRB+Zoning
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FEB 08 2006

CERTIFIED

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

FEB 08 2006

COUNCIL

Refer To

MAYOR'S ACTION

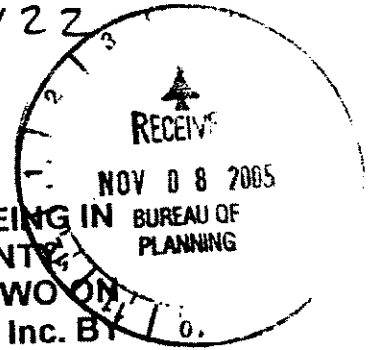
MAYOR

APPROVED
FEB 14 2006

2-05-122

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 14TH. DISTRICT OF FULTON COUNTY, GEORGIA AND BEING SHOWN AS TRACTS ONE AND TWO ON A PLAT OF PROPERTY OF INMAN PARK PROPERTIES, Inc. BY McCLUNG SURVEYING, Inc. DATED 7-11-00 AND REVISED 10-26-00 AND BEING MORE FULLY DESCRIBED AS FOLLOWS;



START AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF MEMORIAL DRIVE (50' R/W) AND THE EAST RIGHT-OF-WAY OF CHESTER AVENUE (40' R/W) (SAID POINT ALSO BEING THE POINT OF BEGINNING). THENCE FROM THE POINT OF BEGINNING AND RUNNING N01°42'51"W ALONG THE SAID EAST RIGHT-OF-WAY OF CHESTER AVENUE A DISTANCE OF 329.12 FEET TO A POINT. THENCE LEAVING THE SAID EAST RIGHT-OF-WAY OF CHESTER AVENUE AND RUNNING S89°38'19"E A DISTANCE OF 247.30 FEET TO AN IRON PIN FOUND. THENCE RUNNING S06°41'53"W A DISTANCE OF 335.13 FEET TO AN IRON PIN FOUND ON THE SAID NORTH RIGHT-OF-WAY OF MEMORIAL DRIVE. THENCE RUNNING N89°29'13"W ALONG THE SAID NORTH RIGHT-OF-WAY OF MEMORIAL DRIVE A DISTANCE OF 215.82 FEET TO SAID POINT AT THE SAID INTERSECTION OF THE NORTH RIGHT-OF-WAY OF SAID MEMORIAL DRIVE AND THE SAID EAST RIGHT-OF-WAY OF CHESTER AVENUE.

SAID TRACT OR PARCEL OF LAND CONTAINING 1.816 ACRES OR 79,098 SQUARE FEET WITH TWO TREE STORY BRICK BUILDINGS DESIGNATED AS 878 AND 890 MEMORIAL DRIVE.

